

#625

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2 BILL NO. Z-97-01-06
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ZONING MAP ORDINANCE NO. Z-01-97

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an RA (Residential A) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

A part of Lot Number 3, R.L. Britton Estate, as recorded in Deed Record "N", page 403, in the Office of the Recorder of Allen County, Indiana, as situated in the Northwest Quarter of Section 26, Township 30 North, Range 12 East in said County and in particular described as follows, to-wit:

To arrive at the point of beginning, commence on the centerline of Fairfield Avenue at its intersection by the Section line common to Sections 23 and 26; thence South 20 degrees 58 minutes East along the said centerline (also known as line "S"-1-C on State Highway Plan for "U" Project 377(10), known as the Baer Field Expressway) a distance of 122.05 feet; thence South 69 degrees 02 minutes West, a distance of 40.0 feet to the Southwesterly right-of-way line of said Fairfield Avenue; thence South 20 degrees 58 minutes East along said right-of-way line, as situated 40 feet normally distant Southwestward of said centerline, a distance of 229.7 feet to the aforementioned point of beginning; thence continuing South 20 degrees 58 minutes East along said right-of-way line, a distance of 181.9 feet to a point of curve; thence continuing Southeasterly along said right-of-way line, antorsely concentric to the 4 degrees 00 minutes, more or less, centerline curve to the right to a pin set, as located on the subtended chord bearing South 16 degrees 34 minutes East, a distance of 217.6 feet; thence South 83 degrees 59 minutes West, a distance of 1042.0 feet to the Northeasterly boundary line of Foster Park; thence North 47 degrees 39 minutes West along the aforesaid boundary line, a distance of 133.9 feet to the Southeasterly right-of-way line of said Baer Field Expressway "U" Project No. 377(10); thence North 31 degrees 34 minutes East along said right-of-way line, a distance of 177.9 feet to Station 283-00; thence continuing along said right-of-way line North 25 degrees 39 minutes East, a distance of 280.9 feet to Station 286-00; thence continuing Northeasterly along said right-of-way line on a 6 degrees 35 minutes circular curve to the right and 85 feet radially distant Southward of Paper Relocation No. 5 an arc distance of 363.4 feet to Station 289-99.0; thence South 6 degrees 01 minutes East, a distance of 259.0 feet; thence North 83 degrees 59 minutes East, a distance of 468.2 feet to the point of beginning, containing 10.42 acres of land.

and the symbols of the City of Fort Wayne Zoning Map No. L-23, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Howard Hayhurst
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay, Jr.
J. TIMOTHY McCUAULAY, CITY ATTORNEY

Read the first time in full and on motion by Hayhurst and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 1-14-97, the 19 day of January, at 10:30 o'clock M., E.S.T.

DATED: 1-14-97

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst and duly adopted, placed on its passage. PASSED 10:30 by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT			<u>✓</u>	

DATED: 2-11-97

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION

NO. 2-01-97

on the 11th day of February, 19 97

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK
Nedra Esterh. Deputy Clerk

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 12th day of February, 19 97,
at the hour of 10:30 o'clock A, M., E.S.T.

Approved and signed by me this

19 97, at the hour of 7:30 o'clock A, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK
Nedra Esterh. Deputy Clerk

PAUL HEIMKE, MAYOR



Community & Economic Development
Department of Planning / Land Use Management
1 Main Street, Rm 830 - Fort Wayne In 46802
(219) 427-1140

Procedure for filing and processing a zoning map amendment

Filing:

- Petition is to be filed with the original and one (1) copy in the City Plan Commission Office no later than noon on the filing deadline. Schedules of meeting dates and filing deadlines are available in our office.
- Fee: \$300.00
- Petitioner must supply a licensed survey of the property in question. Petitioner must also indicate the current zoning classification and the requested classification. The petition must be signed by the owners of record of over fifty percent (50%) of the land contained in the petition.
- The applicants name, address and telephone number must be included.
- The petition should be typed or printed on the appropriate form. All information must be readable, including any copied material that is submitted.

Processing of petition:

- The petition is placed in ordinance form by the Land Use Management staff and is introduced to Common Council where it receives its first and second readings and is then referred to the Committee on Regulations and the Fort Wayne City Plan Commission for study and recommendation.
- The Fort Wayne City Plan Commission will schedule and hold a public hearing on the proposed ordinance. Filing of the petition grants the City of Fort Wayne permission to post "Official Notice" on the property.
- The Fort Wayne City Plan Commission will review the proposed change at a business meeting one (1) week following the public hearing and will make a recommendation to the Common Council.
- The recommendation will be certified and sent to Common Council within ten days of the Plan Commission's action.
- Upon receipt of the certified recommendation, and the recommendation of the Committee on Regulations, Common Council will act on the ordinance at its third and final reading.
- The ordinance is then presented to the Mayor for his approval and signature.

#1125

#18538



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We Candleelite Apartments, L.P.

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R3

to a/an: RA

designation the property located at the common street address of: 700 Candleelite Court

and further described as follows: See attached legal description

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: Multi-building residential apartment complex

Property Owner(s) Name(s): Candleelite Apartments, L.P., an Indiana Limited Partnership

Street Address: c/o 118 East Ludwig Road

City: Fort Wayne State: Indiana

Zip Code: 46825 Phone: 483-7568

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature

Michael J. Todoran

Printed Name Sole General Partner

12/10/96
Date

Signature

Printed Name

Date

Signature

Printed Name

Date

FACT SHEET

Z-97-01-06

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-3 to R-A		

DETAILS

Specific Location and/or Address 700 Candlelite Court	Reason for Project To bring the existing apartment complex more into compliance with current Zoning Ordinance standards and policies.
Discussion (Including relationship to other Council actions) <u>27 January 1997 - Public Hearing</u> Ernest Evans abstained from participation in this case. Tom Niezer, attorney for the petitioners appeared before the Commission. Mr. Niezer stated that they requested a compliance letter in 1996 for this complex, in connection with refinancing this development. He stated at the time they made the compliance request, the owners were made aware of the fact that the zoning is currently R-3 and this complex is not in compliance with the Zoning Ordinance. Mr. Niezer stated that the lender has therefore required the owner to maintain zoning coverage insurance at a cost of \$8,000 per year. The RA zoning classification, that has been requested, will bring it in compliance with the Zoning Ordinance and the owner would not be required by the lender to carry the zoning insurance coverage. He stated that Candlelite Apartments have been in Fort Wayne for over 20 years, it is a 130 unit complex and has a very good history.	

POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide	Other Areas
Applicants/ Proponents	Applicant(s) Candlelite Apartments L.P. City Department Other	
Opponents	Groups or Individuals Basis of Opposition	
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

3 February 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Jim Dearing, DeDe Hall, James Hoch, Richard Pierce, Dave Ross, Carol Kettler Sharp

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 16 December 1996

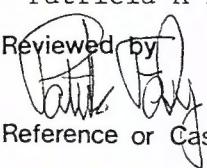
Projected Completion or Occupancy Date 5 February 1997

Fact Sheet Prepared by Date 5 February 1997

Patricia A Biancaniello

Reviewed by Date 7 February 1997

Reference or Case Number



Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

Thomas M. Niezer, Esq.

423-9551

Telephone Number

215 East Berry Street

Fort Wayne, Indiana 46802

Receipt #:_____

Date Filed:_____

Map #:_____

Reference #:_____

A part of Lot Number 3, R. L. Britton Estate, as recorded in Deed Record "N," page 403, in the Office of the Recorder of Allen County, Indiana, as situated in the Northwest Quarter of Section 26, Township 30 North, Range 12 East in said County and in particular described as follows, to-wit:

To arrive at the point of beginning, commence on the centerline of Fairfield Avenue at its intersection by the Section line common to Sections 23 and 26; thence South 20 degrees 58 minutes East along the said centerline (also known as line "S"-1-C on State Highway Plan for "U" Project 377(10), known as the Baer Field Expressway) a distance of 122.05 feet; thence South 69 degrees 02 minutes West, a distance of 40.0 feet to the Southwesterly right-of-way line of said Fairfield Avenue; thence South 20 degrees 58 minutes East along said right-of-way line, as situated 40 feet normally distant Southwestward of said centerline, a distance of 229.7 feet to the aforementioned point of beginning; thence continuing South 20 degrees 58 minutes East along said right-of-way line, a distance of 181.9 feet to a point of curve; thence continuing Southeasterly along said right-of-way line, introrsely concentric to the 4 degrees 00 minutes, more or less, centerline curve to the right to a pin set, as located on the subtended chord bearing South 16 degrees 34 minutes East, a distance of 217.6 feet; thence South 83 degrees 59 minutes West, a distance of 1042.0 feet to the Northeasterly boundary line of Foster Park; thence North 47 degrees 39 minutes West along the aforesaid boundary line, a distance of 133.9 feet to the Southeasterly right-of-way line of said Baer Field Expressway "U" Project No. 377(10); thence North 31 degrees 34 minutes East along said right-of-way line, a distance of 177.9 feet to Station 283+00; thence continuing along said right-of-way line North 25 degrees 39 minutes East, a distance of 280.9 feet to Station 286+00; thence continuing Northeasterly along said right-of-way line on a 6 degrees 35 minutes circular curve to the right and 85 feet radially distant Southward of Paper Relocation No. 5 an arc distance of 363.4 feet to Station 289+99.0; thence South 6 degrees 01 minutes East, a distance of 259.0 feet; thence North 83 degrees 59 minutes East, a distance of 468.2 feet to the point of beginning, containing 10.42 acres of land.



18532

Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We Candlelite Apartments, L.P.

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R3

to a/an: RA

designation the property located at the common street address of: 700 Candlelite Court

and further described as follows: See attached legal description

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: Multi-building
residential apartment complex

Property Owner(s) Name(s): Candlelite Apartments, L.P., an Indiana Limited Partnership

Street Address: c/o 118 East Ludwig Road

City: Fort Wayne

State: Indiana

Zip Code: 46825

Phone: 483-7568

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature

Michael J. Todoran

Printed Name Sole General Partner

12/10/96
Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
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- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

Thomas M. Niezer, Esq.

423-9551

Telephone Number

215 East Berry Street

Fort Wayne, Indiana 46802

Receipt #:_____

Date Filed:_____

Map #:_____

Reference #:_____

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RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 14, 1997 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-97-01-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 27, 1997.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

Approval will not alter the existing development, but will make the zoning and the actual land use more consistent.

2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Approval would be consistent with the existing land uses and should not negatively impact the area. Approval may add more stability to the area in terms of future changes requiring development plan approvals.

3) Approval is consistent with the preservation of property values in the area. The development is existing and no changes of additions are being contemplated at this time.

4) Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The requirement of a development plan for future development or modifications would allow Plan Commission approval of any future site changes.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 3, 1997.

Certified and signed this
5th day of February 1997.

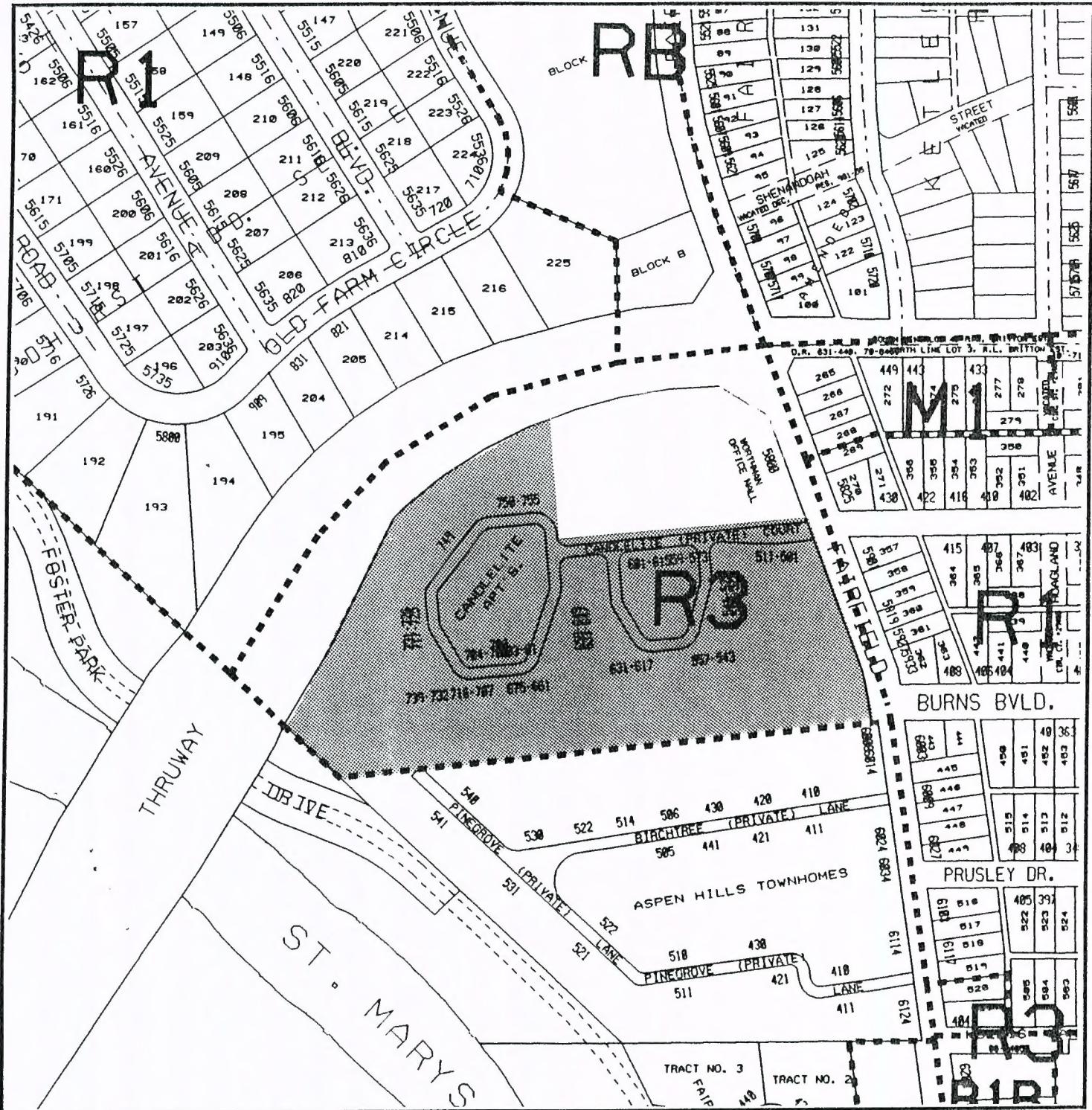
Carol Kettler Sharp

Carol Kettler Sharp
Secretary

REZONING PETITION

AREA MAP

CASE NO. #625



COUNCILMANIC DISTRICT NO. 5

Map No. L-23
LW 1-02-97

ORIGINAL

ORIGINAL

#625

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 700 Candlelite Court

2-97-01-06

EFFECT OF PASSAGE Property is currently zoned R-3 - Multi-Family Residential District. Property will become zoned R-A - Residential District A.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-97-01-06

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO
WHOM WAS REFERRED AN (ORDINANCE) XXXXXX (RESOLUTION)
amending the City of Fort Wayne Zoning Map No. L-23

HAVE HAD SAID (ORDINANCE) XXXXXX (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) XXXXXX (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sandra E. Kennedy
Debra Seal
John W. Camp
Rebecca J. Ravine
Martin A. Bender

DATED: 2-11-97.

Sandra E. Kennedy
City Clerk